IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1175 OF 2006

Commandant (JG) Pravin
Kishore Gupta ...Petitioner.

Versus

The Union of India
and Ors. ...Respondents.

....

Mr.A.P.Singh, Advocate for the Petitioner.

Mr.K.B.Rao with Mr.N.R.Prajapati, Advocate for Respondent Nos.1 to 4.

....

CORAM : **F.I.REBELLO AND SMT.V.K.TAHILRAMANI,JJ.**

DATED : **JUNE 08, 2006.**

P.C.:

1. The petitioner had approached this Court praying that the respondents be directed to consider the case of the petitioner for premature retirement from service on extreme compassionate grounds. A reply has been filed on behalf of the respondents by Commandant Vinod Kumar Sharma. In para-5 of the said reply, it is set-out that the petitioner’s request has been rejected. It is further set out that if on account of wife’s

illness the petitioner can indicate his choice of shore station having all medical facilities for treatment of his wife, he can be considered for posting there.

2. In other wards the cause of action, based on which the petition was filed, no longer survives. If the petitioner is aggrieved by the action of the respondents in rejecting the application that will be independent cause of action , based on which he can take out appropriate proceedings for which he is entitled for, including by way of Writ Petition.

3. With the above observations, the Petition stands disposed of.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]